

1 Remarks

2 Pending Claims

3 Claims 1-20 are pending as provided above.

4  
5 Rejection of Claims under 35 U.S.C. § 112, Second Paragraph

6 Claims 2, 7, 8 and 13 have been rejected under 35 U.S.C. § 112, second  
7 paragraph, as being indefinite for failing to particularly point out and distinctly claim  
8 the subject matter which the Applicant regards as the invention. Specifically, the  
9 Examiner has asserted that the terms and phrases "RAW datatype" and "hooking a  
10 function in the printer driver" are indefinite and were not adequately defined in the  
11 specification.

12 In regard to the term "RAW datatype", the Examiner is respectfully referred to  
13 page 9, lines 25-27 of the instant application, wherein RAW data (datatype) is  
14 described as including printer control language (PCL), postscript data, and/or any  
15 form of data understood by a printer - in particular, the printer 610 as depicted in  
16 Figs. 6-10 of the instant application. One of ordinary skill in the computing arts is  
17 familiar with PCL, postscript data, and other various data types that can be readily  
18 understood (i.e., processed or used) by a specific printer or range of printers.  
19 Therefore, the Applicant believes that the term "RAW datatype" is adequately  
20 defined and exemplified within the instant application such that one of ordinary skill  
21 in the computing arts can understand this aspect of the instant invention.

22 In reference to the phrase "hooking a function in the printer driver", the  
23 Examiner is respectfully referred to page 11, lines 23-25 of the instant application.  
24 Therein, it is explained that "hooking is an operation by which functions are replaced  
25 or enhanced." Further, at page 12, lines 7-14 of the instant application, an example  
of "hooking" is described. In reference thereto, and in order to assist the Examiner's  
understanding in this regard, the process of "hooking a function" can be described, in

one context, as replacing a pointer to a function with a pointer to an alternate function.

For example, and as described on pages 11-12 of the instant application, "hooking" can involve replacing the pointer to the DrvEnablePDEV function (which is a function within the actual printer driver 475) with a pointer to the ProxyEnablePDEV function (which is a function within the proxy printer driver 490). Once "hooking a function" is performed under this example, the GDI 460 would thereafter call upon the ProxyEnablePDEV function, rather than the DrvEnablePDEV function, in order to perform a corresponding task.

Therefore, the Applicant asserts that the phrase "hooking a function in the printer driver" is adequately defined and exemplified within the instant application such that one of ordinary skill in the computing arts can understand this aspect of the instant invention.

In view of the foregoing, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, second paragraph, rejection of claims 2, 7, 8 and 13 in favor of allowance.

#### Rejection of Claims under 35 U.S.C. § 102

Claims 1, 3-6, 9-12 and 14-20 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,154,208 ("Otala").

The Applicant respectfully disagrees that claims 1, 3-6, 9-12 and 14-20 are anticipated by Otala.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires each and every element of the claimed invention to be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. (*Kloster*

1 *Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.  
2 1986)). Furthermore, "[a]nticipation requires that all of the elements and limitations  
3 of the claims are found within a single prior art reference." (*Scripps Clinic and*  
4 *Research Found. v Genetech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010  
5 (Fed. Cir. 1991 (emphasis added))). Moreover, the PTO and the Federal Circuit  
6 provide that §102 anticipation requires that there must be no difference between the  
7 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*  
8 *v. Genetech, Inc.*, id. (emphasis added))).

9 Accordingly, if the Applicant can demonstrate that any one element or  
10 limitation in claims 1, 3-6, 9-12 and 14-20 is not disclosed by Otala, then the  
11 respective claim(s) must be allowed.

12 In the following arguments, the Applicant will focus in particular on  
13 independent claims 1, 9 and 14, as the Applicant believes those claims to be  
14 allowable over Otala. It is axiomatic that any dependent claim which depends from  
15 an allowable base claim is also allowable, and therefore the Applicant does not  
16 believe it is necessary to present arguments in favor of each and every dependent  
17 claim.

#### 18 19 Claim 1

20 The Applicant contends that claim 1 (and rejected claims 3-6 which depend  
21 therefrom) are not anticipated by Otala. With respect to independent claim 1, that  
22 claim includes the following limitations:

23  
24 A method for configuring a computer to obtain status information for  
25 subsequent print jobs to a printer, the method comprising:

supplying a proxy printer driver in place of an actual printer  
driver associated with the printer.

1 (Emphasis added.)  
2

3 Otala does not provide for supplying a proxy printer driver in place of an  
4 actual printer driver associated with the printer, as recited in combination with the  
5 other features of claim 1. In fact, Otala does not provide for a proxy printer driver, in  
6 any context. The Examiner has asserted that Otala provides for such a proxy printer  
7 driver that is used in place of an actual printer driver (page 3 of Office Action).  
8 Respectfully, the Examiner is mistaken.

9 Rather, Otala is directed to creating (i.e., deriving) a proxy *image* having a  
10 second format from an output image having a first format (Abstract of Otala). That  
11 is, Otala teaches translating image data of a first format (e.g., FlashPix format, etc.)  
12 into proxy image data of a second format (e.g., device independent bitmap (DIB),  
13 etc.). Otala explains that this is done when the first data format (e.g. Flashpix, etc.)  
14 is not compatible with the graphics device interface (GDI) of the corresponding  
15 operating system (e.g., Microsoft® Windows95, etc.), which must handle (and thus,  
16 recognize and understand) the image data before it is ultimately routed on to a  
17 device driver of the operating system (Col. 1, line 42 to Col. 2, line 5 of Otala).

18 While Otala further states that other image data processing steps may be  
19 performed *in addition to* those of a device driver of the operating system (Col. 3, line  
20 64 to Col. 4, line 5 of Otala), Otala does not provide, teach or suggest that a **proxy**  
21 **printer driver** be used **in place of** an actual printer driver. Thus, any teachings or  
22 provisions of Otala which *might* involve a printer driver are clearly directed to using  
23 the *original* or *actual* printer (i.e., device) driver that is inherent to a given operating  
24 system, to the exclusion of anything that could be described as a proxy printer driver.  
25 This is not the same as the invention as recited by instant claim 1. The Applicant  
believes that a careful reading of the instant application provides adequate  
description and exemplification of the respective operations and distinctions

1 regarding the proxy printer driver and the actual printer driver as recited in claim 1.  
2 In particular, the Examiner is respectfully referred to page 9, lines 17-30 and page  
3 11, line 17 through page 12, line 5 wherein at least some of these of operations and  
4 distinctions are discussed.

5 Thus, Otala fails to provide for all of the elements as recited by instant claim  
6 1. In view of the foregoing, the § 102 rejection of claim 1 is unsupportable and  
7 should be withdrawn. For at least these reasons, claim 1 is allowable. As rejected  
8 claims 3-6 depend from claim 1, it is axiomatic that they too are allowable by virtue of  
9 their dependence upon an allowable base claim.

10  
11 Claim 9

12 The Applicant contends that claim 9, and rejected claims 10-12 which depend  
13 therefrom, are not anticipated by Otala. With respect to independent claim 9, that  
14 claim includes the following limitations:

15  
16 A method of gathering status for a print job from a computer to a  
17 printer, the method comprising:

18 executing a proxy printer driver while producing the print job,  
19 wherein the proxy printer driver is a proxy for an actual printer driver;  
20 inserting into the print job a unique identifier of the print job; and  
21 querying at least one of a spooler and the printer regarding  
22 status of the print job.

23 (Emphasis added.)  
24

25 As explained above in regard to claim 1, Otala does not provide for a proxy  
printer driver, in any manner or in any context. Thus, Otala does not provide for  
executing a proxy printer driver while producing the print job, wherein the proxy

1 printer driver is a proxy for an actual printer driver, as recited in combination with the  
2 other features of claim 9.

3 Furthermore, Otala does not provide for inserting into the print job a unique  
4 identifier of the print job, as recited in combination with the other features of claim 9.  
5 The Examiner has alleged that Otala provides for storing a unique identifier of a  
6 computer within a registry (page 3 of Office Action). Respectfully, the Examiner is  
7 mistaken. Nowhere within the area of Otala cited by the Examiner (Col. 3, lines 42-  
8 63) is there any provision, teaching or suggestion as to *any* kind of unique identifier,  
9 or its equivalent, with respect to any entity. In fact, Otala is completely silent as to  
10 *any* form of unique identification, as related to a print job or otherwise.

11 Further still, Otala fails to provide querying at least one of a spooler and the  
12 printer regarding status of the print job, as recited in combination with the other  
13 features of claim 9. Rather, Otala refers only to a query for determining if certain  
14 entry points are included within a device driver of the operating system (Col. 5, lines  
15 39-47 of Otala). In any case, this is not the same as a query regarding the status of  
16 a print job, as recited, in varying language, in combination with the other features of  
17 claim 9.

18 Thus, Otala fails to provide, teach or suggest numerous of the elements and  
19 features as recited by instant claim 9. Therefore, the § 102 rejection of claim 9 is  
20 unsupportable and should be withdrawn. For at least these reasons, claim 9 is  
21 allowable. As rejected claims 10-12 depend from claim 9, they too are allowable.

#### 22 23 Claim 14

24 The Applicant contends that claim 14, and rejected claims 15-20 which  
25 depend therefrom, are not anticipated by Otala. With respect to independent claim  
14, that claim includes the following limitations:

1 A computer readable medium on which is embedded a  
2 computer program, the program comprising:

3 a proxy printer driver translation part, the proxy printer driver  
4 translation part being a proxy for an actual printer driver translation  
5 part.

6 (Emphasis added.)

7 Otala fails to provide a proxy printer driver translation part, the proxy printer  
8 driver translation part being a proxy for an actual printer driver translation part, as  
9 recited in combination with the other features of claim 14.

10 Rather, as described above, Otala is directed to suitably reformatting image  
11 data so as to accommodate format handling limitations of the *GDI* of the operating  
12 system. Put another way, Otala is directed to working around particular limitations of  
13 the operating system (namely, the GDI). Quite simply, Otala is directed to solving a  
14 different problem in a different way. As a result, Otala does not provide, teach or  
15 suggest a proxy printer driver translation part being a proxy for – that is, substituting  
16 or used in place of – an actual printer driver translation part.

17 Ultimately, Otala fails to provide at least one element as recited by instant  
18 claim 14. The § 102 rejection of claim 14 is invalid in view of the inadequacies of  
19 Otala, and should be withdrawn. For at least these reasons, claim 14 is allowable.  
20 As rejected claims 15-20 depend from claim 14, they too are allowable.

## 21 22 Summary


23 The Applicant believes that this response constitutes a full and complete  
24 response to the Office action. Therefore, the Applicant respectfully requests  
25 reconsideration of claims 1-20, in favor of timely allowance thereof.

1 The Examiner is respectfully requested to contact the below-signed  
2 representative if the Examiner believes this will facilitate prosecution toward  
3 allowance of the claims.

4  
5 Respectfully submitted,

6 Shell Simpson

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8 Date: June 22, 2004

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S/N: 09/702,766  
Case 10001724-1  
Amendment "A"